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6 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
7 AT SEATTLE

8 ELIZABETH ISHAM,

9 Plaintiff,

10 v.

11 COMMISSIONER OF SOCIAL  
SECURITY,

12 Defendant.  
13

Case No. C19-5245-MLP

ORDER

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15 This matter comes before the Court on Plaintiff's motion for relief under Federal Rule of  
16 Civil Procedure 59(e). (Dkt. # 15.) Plaintiff re-filed the same document the following day but  
17 styled it as "objections." (Dkt. # 16.) The objections (dkt. # 16) are hereby STRICKEN.

18 In his Opening Brief and Reply Brief (dkt. ## 10, 12), Plaintiff requested *inter alia* relief  
19 under sentence six of 42 U.S.C. § 405(g) pertaining to new evidence submitted to the Appeals  
20 Council after the ALJ's decision had been entered. In his Rule 59(e) motion, Plaintiff now argues  
21 that the Court should have considered this evidence under *Brewes v. Comm'r of Social Sec.*  
22 *Admin.*, 682 F.3d 1157 (9th Cir. 2012), a case not referenced in Plaintiff's earlier materials.  
23 Specifically, Plaintiff contends that the Appeals Council's including (though not exhibiting) the  
new evidence in the certified administrative record satisfies the "good cause" requirement for

1 sentence-six relief, and Plaintiff cites cases where such evidence has been considered under  
2 either sentence six or sentence four. (Dkt. # 16 at 3-6.)

3 The Court notes that Rule 59(e) is not a proper vehicle to raise new arguments that could  
4 have been raised earlier. *See Exxon Shipping Co. v. Baker*, 554 U.S. 471, 485 n.5 (2008).  
5 Nonetheless, in the interests of justice and in order to permit the Court's full consideration of this  
6 argument, the Commissioner is ORDERED to file a response brief of no more than ten pages, no  
7 later than Friday, November 8, 2019. No reply shall be filed absent specific instruction from this  
8 Court.

9 Dated this 29th day of October, 2019.

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12 MICHELLE L. PETERSON  
13 United States Magistrate Judge  
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